

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE**

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|------------------------|---|-----------------------|
| IN THE MATTER OF THE |) | No. 63287-6-I |
| PERSONAL RESTRAINT OF: |) | |
| |) | DIVISION ONE |
| RAUL C. OREA-HERRERA, |) | |
| |) | UNPUBLISHED OPINION |
| Petitioner. |) | |
| |) | FILED: August 3, 2009 |

PER CURIAM. Raul Orea-Herrera filed a personal restraint petition challenging his conviction of first degree kidnapping as violative of the constitutional prohibitions against double jeopardy in light of his convictions for first degree rape based on the same conduct. The State now concedes that Orea-Herrera is entitled to vacation of the kidnapping conviction. We accept the concession as well-taken. State v. Johnson, 92 Wn.2d 671, 680, 600 P.2d 1249 (1979). The personal restraint petition is accordingly granted and petitioner's conviction of kidnapping in the first degree in Snohomish County No. 01-1-01149-3 is hereby vacated. Petitioner's related convictions and sentences for two counts of first degree rape in that cause are not affected.

For the court:



